



**DEPARTMENT OF VETERANS AFFAIRS
OFFICE OF RESOLUTION MANAGEMENT
PACIFIC DISTRICT
COUNSELOR REPORT**



**CASE NUMBER: 200P-0691-2017103863
COUNSELOR NAME: Winter, William**

Name of Aggrieved Party:		Ms. Marilyn Gladle					
Home and/or Alternate Address:							
Home Telephone Number:							
Cellular/Mobile Number							
Business Address:		11301 Wilshire Blvd., Los Angeles, CA 90073					
Business Telephone Number:		N/A					
Email Address:		N/A					
Position Title/Grade:		N/A					
Employee	Former Employee	X	Applicant				
VHA	X	VBA	NCA	Canteen		Other	
Title 5		Title 38	Hybrid T38	Full-time		Part-time	
Probationary		Career	Career Conditional	Temporary		Term	
Name of Facility:		VAMC, WEST LOS ANGELES					
Address of Facility:		11301 Wilshire Blvd., Los Angeles, CA 90073					
Facility Telephone Number:		310-478-3711					
Name of Representative:		N/A				Attorney False	
Representative's Address:		N/A					
Representative's Telephone:		N/A					

NOTIFICATION OF PROCEDURAL RIGHTS

Initial Contact:	Telephone		Date:	06/30/2017
Initial Interview	Telephone		Date:	07/07/2017
Rights & Responsibilities/Notices:	Electronic Mail	06/30/2017	Rec'd:	06/30/2017
Notice to Unreachable Aggrieved:	UPS/Cert Mail:		Rec'd:	N/A
Agreed to Waive Anonymity:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Date	07/07/2017
Notification to Facility Director	Electronic Mail		Date:	07/18/2017
ADR offered by facility [] MOU []:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Date:	06/30/2017
Facility Returned Signed Refusal	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	Date	N/A
ADR Agreed to by Aggrieved:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Date:	07/07/2017
Settlement (SA) []	Withdrawal (WD) []:		Date:	N/A
Notice of Closure (for SA/WD):	Regular Mail:		Rec'd:	N/A
Notice of Right to File:	Certified Mail	08/30/2017	Rec'd:	09/18/2017

Case Number: 200P-0691-2017103863
 Name of Aggrieved Party: Ms. Marilyn Gladle
 Name of Facility: VAMC, WEST LOS ANGELES
 Date of Initial Contact: 06/30/2017

RMO/WITNESS INFORMATION

Responding Management Official(s): (Name, Title, Telephone Number)	Wandee Khaossarch, Nurse Manager 213-253-2677 x24304
Witness(es) Suggested for Interview by Aggrieved Party (Name, Title, Tele #):	None
Witness(es) Suggested for Interview by RMO (Name, Title, Telephone Number):	None

Claim - 1: Termination Incident Date: 05/11/2017 Bases: Disability - Physical, Reprisal						
	Yes (date)	No		Yes (date)	No	If claim is untimely, explain reason for the untimeliness in description of claim below.*
Mixed Case		X	MSPB Filed		X	
Union Grievance Filed		X	Is Claim Timely		X	
Administrative Grievance Filed					X	
Have you contacted another EEO Official?			Not Reported		Jamisa Hoare, Acting EEO Manager	

Brief Description of Claim:

Ms. Gladle, the Aggrieved Party (AP) claimed that she was discriminated against based on her disability and prior EEO activity.

May 11, 2017 – AP's termination notice was sustained.

Counselor's Note: Ms. Gladle was asked for an explanation for the delay in contacting an EEO Counselor within 45 calendar days of the date of the matter or action believed to be discriminatory. She did not provide an explanation for the delay by the date counseling concluded.

Resolution Sought:

AP wants her separation lifted and be allowed to return to duty.

Management's Response:

Management not contacted due to requested ADR.

Informal Documents Requested/Received:

May 11, 2017 letter from VISN22 Director, Marie Weldon, sustaining AP's termination.

Claim - 2: Harassment (Non-Sexual) Incident Date: 05/12/2017, 05/02/2017 Bases: Disability - Physical, Reprisal						
	Yes (date)	No		Yes (date)	No	If claim is untimely, explain reason for the untimeliness in description of claim below.*
Mixed Case		X	MSPB Filed		X	
Union Grievance Filed		X	Is Claim Timely		X	
Administrative Grievance Filed					X	

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 Name of Aggrieved Party: Ms. Marilyn Gladle
 Name of Facility: VAMC, WEST LOS ANGELES
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Have you contacted another EEO Official?	Not Reported	Jamisa Hoare, Acting EEO Manager
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Brief Description of Claim:

AP claimed that she was subjected to discriminatory harassment/hostile work environment when she received conflicting notices in the mail at her home from the facility when on:

May 12, 2017 – she (AP) received a return to duty notice dated May 10, 2017.

May 2, 2017 – she (AP) received a Termination notice dated April 28, 2017.

Resolution Sought:

AP wants her separation lifted and be allowed to return to duty.

Management's Response:

Management not contacted due to requested ADR.

Informal Documents Requested/Received:

- April 28, 2017, letter from Medical Center Director Ann Brown – Termination of Excepted Appointment for Failure to Maintain Current Nursing License.
- May 10, 2017, letter from Alex Love, Acting Employee and Labor Relations Supervisor – Return to Duty.

SUMMARY OF RESOLUTION EFFORTS

July 7, 2017, AP elected ADR.

August 25, 2017, ADR Tracker recorded the mediation meeting not resolved.

August 30, 2017, conducted the formal final interview; issue NORF.

FINAL INTERVIEW

During the final interview the results of informal counseling and resolution efforts were discussed with the aggrieved party. The aggrieved was informed that the claim(s) listed above were the only claim(s) addressed during the informal EEO counseling. If a formal Complaint of Discrimination is filed, a claim that has not been brought to the attention of an EEO counselor and is not like or related to a claim that has been brought to the attention of an EEO counselor is subject to dismissal in accordance to CFR 1614.107 a(2).

The Notice of Right to File a Discrimination Complaint and VA Form 4939 were sent by UPS on August 30, 2017.



William Winter
 EEO Counselor

10/06/2017
 Date